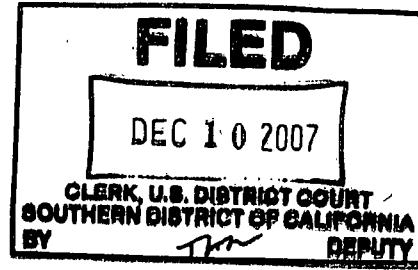


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AUSD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA.

'07 MJ 8974

UNITED STATES OF AMERICA

Plaintiff,

v.

Christian Maria RODRIGUEZ (1)

Adan MAGANA, Jr. (2)

Margarita HEREDIA-Vargas (3)

Martin Morales LOZANO-Vargas (4)

Jesus TRAPERO-Zazueta (5)

Defendants.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF:

21 U.S.C. § 841(a)(1)
Possession with Intent to
Distribute (Felony)

18 U.S.C. § 2 - Aiding & Abetting

The undersigned complainant being duly sworn states:

That on or about December 8, 2007, within the Southern District of California, defendants Christian Maria RODRIGUEZ, Adan MAGANA, Jr., Margarita HEREDIA-Vargas, Martin Morales LOZANO-Vargas, and Jesus TRAPERO-Zazueta, did knowingly and intentionally possess, with intent to distribute approximately 383.08 kilograms (842.4 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Craig Moore, Task Force Officer
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10TH
DAY OF DECEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, DEA Task Force Officer (TFO) Craig Moore, declare under penalty of perjury, the following statement is true and correct:

On or about December 8, 2007, undercover Special Agents from the U.S. Department of the Interior, Bureau of Land Management (BLM), United States Department of Justice, Drug Enforcement Administration (DEA), and United States Department of Justice, Federal Bureau of Investigation (FBI) were conducting covert surveillance of the Midway campground area, within the Imperial Sand Dunes Recreation Area approximately .9 miles north of the international boundary with Mexico. This area is located on public lands in Western Imperial County, within the Southern District of California. While conducting surveillance of the area, the occupants of one particular campsite caught the attention of agents. The occupants of the campsite were acting suspiciously and riding All Terrain Vehicles (ATV's) in the dark, without headlamps.

At approximately 2020 hrs, while watching the campsite, undercover agents observed an individual later identified as Jesus TRAPERO-ZAZUETA extinguish the campfire while an individual later identified as Martin Morales LOZANO-VARGAS departed the area on an All Terrain Vehicle (ATV), with his lights out. At approximately 2030 hrs, LOZANO-VARGAS returned to the camp without his headlights on. Agents then observed several ATV's, traveling without their headlamps on during hours of darkness. Upon watching the ATV's with the use of night vision scopes, agents observed several bundles attached to the back of the ATV's. The bundles on the ATV's were all very large and this coupled with the fact that they were all driving with their

1 lights out within close proximity the U.S./Mexico border appeared to
2 be consistent with drug smuggling activity. Agents continued to
3 observe the ATV's as they entered the campsite. Upon arrival, the
4 riders of the ATV's began to off load the bundles onto a flat bed
5 trailer, at the direction of LOZANO-VARGAS. After the bundles were off
6 loaded onto the trailer, the ATV's departed the campsite with their
7 headlights on. Agents then observed Jesus TRAPERO-ZAZUETA, Martin
8 Morales LOZANO-VARGAS and an individual later identified as Christian
9 Maria RODRIGUEZ remove the bundles from the flatbed trailer and walk
10 around a corner, out of sight towards a 2007 "Cruise America" rental
11 motorhome (CA Reg# 5UVF195), which was attached to the flatbed
12 trailer. While this was occurring, and individual later identified as
13 Adan MAGANA Jr. was observed by agents sitting in a chair within the
14 campsite and appeared to be acting as a lookout. MAGANA would both
15 watch the loading and unloading of the bundles and would look around
16 towards nearby camps. Once the bundles were removed from the trailer,
17 Jesus TRAPERO-ZAZUETA would return to the campfire and start it again.
18 This activity occurred two additional times, for a total of three
19 times, within a two hour period. Due to my training and experience in
20 the workings of controlled substance traffickers, I believed that I
21 had witnessed narcotic smuggling activity taking place.

22 At approximately 2350 hrs, Special Agents from the BLM, DEA, FBI,
23 and ICE with assistance from the California Highway Patrol and
24 Imperial County Sheriff's Department knocked on the door of the 2007
25 "Cruise America" rental motorhome and made contact with Christian
26 Maria RODRIGUEZ. RODRIGUEZ exited the motorhome at the request of
27 officers and stated that there were more people inside. Officers then
28 made a second call out on the motorhome and Jesus TRAPERO-ZAZUETA

1 exited, followed by Martin Morales LOZANO-VARGAS. Officers then made
2 another call out and Adan MAGANA Jr, emerged from within the
3 motorhome. Upon making another call out Margarita Heredia Vargas
4 emerged from within the motorhome. All five individuals were detained
5 and additional call outs were made on the motorhome, but nobody
6 responded. Fearing additional people were hiding inside of the
7 motorhome, BLM and ICE agents conducted a protective sweep of the
8 motorhome. Upon entering the motorhome, Agents detected the very
9 strong odor of a masking agent and marijuana. Through my training and
10 experience in narcotic smuggling investigations, I know that masking
11 agents are routinely utilized by individuals to conceal the odor of
12 illegal narcotics. Upon walking down the hallway towards the back
13 bedroom, agents observed in plain view, several bundles in the shower
14 area. Upon clearing the bedroom area at the rear of the motorhome,
15 agents observed several additional bundles in plain view. These
16 bundles were approximately 2 feet long by 1 $\frac{1}{2}$ feet wide and
17 approximately 10" deep. The bundles were painted black and were
18 wrapped in cellophane plastic and aluminum foil. Through my training
19 and experience in narcotic smuggling investigations, I immediately
20 recognized the packaging of these bundles to be consistent with the
21 trappings of a controlled substance smuggling operation. I then exited
22 the motorhome and walked over to Christian Maria RODRIGUEZ, who
23 spontaneously stated that her mother rented the motorhome for her to
24 use and wanted to know what "was going on". Further investigation on
25 scene revealed that the "Cruise America" motorhome was rented to
26 Margarita Heredia Vargas on December 7, 2007 in Indio, CA.
27

28 A search of the vehicle revealed 47 individual bundles
29 containing approximately 382.08 kilograms (842.4 pounds) of suspected

1 marijuana. A presumptive chemical test indicated the contents of
2 these packages to be marijuana. Jesus TRAPERO-ZAZUETA, Martin Morales
3 LOZANO-VARGAS, Adan MAGANA Jr., Christian Maria RODRIGUEZ, and
4 Margarita Heredia VARGAS were further processed on scene and
5 transferred to the Imperial County Jail in El Centro, California,
6 pending an Initial Appearance before a United States Magistrate Judge.

7 Executed on December 9, 2007 at 1115 hours.
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Barry Mays, Task Force Officer
Drug Enforcement Administration

On the basis of the facts presented in this probable cause statement
consisting of 4 pages, I find probable cause to believe that the
defendant (S) based on this probable cause statement committed the offense
on December 9, 2007 in violation of Title 21 United States Code,
Section 841(a)(1).

Barry F. Mays
United States Magistrate Judge

12/9/07 at 5:54pm

Date/Time